

Christian Community Broadcasters' Reply Comment

INTRODUCTION - During the Comment period CCB filed timely Comments entitled "CCB's Plans for the Future of LPFM". CCB has reviewed hundreds of Comments and read most detailed substantive Comments, supporting and opposing LPFM. (Several dozen Comments have been posted on the www.ccbroadcasters.com website directly or via links to www.recnet.com.) The FCC has the difficult responsibility of balancing the needs of powerful (pun-intended) established commercial broadcasters against the needs of new, local, community-based LPFM groups. The challenge is to find a way for both groups to thrive in an era of congested spectrum and increasing interference.

Apparently neither LPFM supporters nor opponents have a clear understanding of relevant laws and FCC regulations. Free Press is to be commended for generating more than 10,000 Comments in support of LPFM. Unfortunately, while these form Comments generated a lot of "heat" they did not generated much "light" on the questions raised by the FCC. Many LPFM operators and supporters do not realize that:

- (a) Changes to the third-interference rule must come from Congress
- (b) LPFMs can be carried on separately-owned translators
- (c) Permission to air even one "local commercial" daily would turn LPFM into a commercial service, subject to auctions and regulatory fees that apply to all commercial broadcasters
- (d) LPFM stations can change frequencies as a minor mod upon showing of reduced interference (which is easy to do)
- (e) "Class A" LPTV was created by Congress, not the FCC. LPFM stations should not expect to be granted Primary "Class A" status

RECOMMENDATIONS:

1. Improve communications - Inform LPFM applicants and operators by (a) more frequent and more detailed postings to the LPFM page on the FCC website and
(b) Quarterly conference calls with LPFM groups. Use the "license renewal conference call" the FCC did with Warren Communications as the model.
2. Translator limitations - NAB and full-power operators want the freeze on processing of 2003 translator applications to be lifted and legitimate fill-in applications to be granted. This is acceptable to CCB and other LPFM advocacy groups whose concern is organizations who filed for, and are not selling, hundreds or thousands of translator applications.

The purpose of terrestrial translators is to fill-in the coverage of area that cannot be reached by an originating station because of terrain. The concept of applying for large numbers of translators and then later finding a new originating station to create new mini-networks is contrary to the purpose of

translators. The input frequencies of translators should not be changed based on the wishes of the highest bidder.

CCB urges the FCC to promptly post a Notice requiring all 2003 translator applicants to answer electronically three questions as amendment to their applications:

- (a) Has your organization applied for ten or fewer translators?
- (b) Will the translator be owned by the listed input organization?
- (c) Will the translator be owned by a government entity?

Applicants that answer "yes" to any one of these questions should have their applications processed without further delay. If an applicant answers "no" to all three, the application should be dismissed.

3. Sale of LPFM organizations - Current FCC waiver policy for non-profit sale should be made permanent (transfer to another local non-profit with no media interests, unless multiple ownership of LPFM stations is permitted.) One FCC form should be use for all board changes of 50% or greater and all other transfers. Fair and reasonable re-imbusement should be allowed but no profit on the transaction.

As suggested in the CCB Plan, transfer of ownership could be used to solve time share and successive license problems by allowing these groups to merge into one new entity.

4. Extension of CPs - Permittees needing additional time to construct should be permitted to request this electronically on a modified Form 318. Granting three years automatically will waste valuable spectrum for groups that never use their construction permit.

5. As stated in CCB's Comments, LPFMs should have greater flexibility when facing encroachment and be permitteds to move than 5.6km and/or to 87.9 if an applicant's request meets all channel 6 interference and international boundary requirements. Initially such moves could be permitted on a waiver or experimental basis prior to establishment of a new permanent policy.

6. Open a Major Mod Window - while the FCC has indicated that "much needs to be done" prior to another window for new applications, CCB believes that a major mod window for current LPFM applicants / permittees / license would both help existing LPFM organizations and serve to determine needs and solutions for existing LPFM groups prior to committing to policies for the next full window, which might be for 10 watts ... or 100 watts.

Creative solutions are needed to permit the further development of LPFM without hurting full-power stations. Please give serious consideration to CCB's Comments and Reply Comments.

Thank You

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